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10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN FRANCISCO DIVISION

13 UNITED STATES OF AMERICA,	)	No. 3-11-71143-MAG
	)	
14 Plaintiff,	)	<u>[PROPOSED]</u> ORDER AND
	)	STIPULATION FOR CONTINUANCE
15 v.	)	FROM DECEMBER 23, 2011 TO
	)	JANUARY 17, 2012 AND EXCLUDING
16 DELFINO MORA-RIVERA,	)	TIME FROM THE SPEEDY TRIAL ACT
	)	CALCULATION (18 U.S.C. §
17 Defendant.	)	3161(h)(8)(A)) AND WAIVING TIME
	)	LIMITS UNDER RULE 5.1

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19 With the agreement of the parties, and with the consent of the defendant, the Court enters  
20 this order scheduling an arraignment or preliminary hearing date of January 17, 2012 at 9:30 a.m.  
21 before the duty magistrate judge, and documenting the defendant's waiver of the preliminary  
22 hearing date under Federal Rule of Criminal Procedure 5.1 and the exclusion of time under the  
23 Speedy Trial Act, 18 U.S.C. § 3161(b), from December 23, 2011 to January 17, 2012. The  
24 parties agree, and the Court finds and holds, as follows:

- 25 1. The defendant is currently in custody.
- 26 2. The defendant agrees to an exclusion of time under the Speedy Trial Act, 18 U.S.C.
- 27 § 3161(h)(8)(B)(iv) to provide reasonable time necessary for effective preparation, taking into
- 28 account the exercise of due diligence.

1           3. The defendant waives the time limits of Federal Rule of Criminal Procedure 5.1 for  
2 preliminary hearing.

3           4. Counsel for the defense believes that postponing the preliminary hearing is in his  
4 client's best interest, and that it is not in his client's interest for the United States to indict the  
5 case during the normal 14-day timeline established in Rule 5.1.

6           5. The Court finds that, taking into the account the public interest in the prompt  
7 disposition of criminal cases, these grounds are good cause for extending the time limits for a  
8 preliminary hearing under Federal Rule of Criminal Procedure 5.1. Given these circumstances,  
9 the Court finds that the ends of justice served by excluding the period from December 23, 2011  
10 to January 17, 2012, outweigh the best interest of the public and the defendant in a speedy trial.  
11 18 U.S.C. § 3161(h)(8)(A).

12           6. Accordingly, and with the consent of the defendant, the Court (1) sets a preliminary  
13 hearing date before the duty magistrate judge on January 17, 2012, at 9:30 a.m., and (2) orders  
14 that the period from December 23, 2011 to January 17, 2012, be excluded from the time period  
15 for preliminary hearings under Federal Rule of Criminal Procedure 5.1 and from Speedy Trial  
16 Act calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

17  
18 IT IS SO STIPULATED:

19  
20 DATED: December 29, 2011

\_\_\_\_\_/s  
STEVEN KALAR  
Attorney for Defendant

21  
22  
23 DATED: December 29, 2011

\_\_\_\_\_/s  
AARON D. WEGNER  
Assistant United States Attorney

24  
25  
26 IT IS SO ORDERED.

27 DATED: Dec 30, 2011

  
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HON. ELIZABETH D. LAPORTE  
United States Magistrate Judge